

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

TOBY E. CARTER

PLAINTIFF

v.

Civil No. 6:17-cv-06059

SHERIFF MIKE MCCORMICK,
SOUTHWEST CORRECTIONAL
MEDICAL GROUP, CAPTAIN RONNIE
BRANSTETTER, and NURSE
KAY DUKES

DEFENDANTS

ORDER

This is a civil rights action filed by the Plaintiff, Toby E. Carter, pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion to Non-Suit Without Prejudice. (ECF No. 78).¹ Defendants have not objected to the voluntary dismissal of the case and the time to do so has passed.

Federal Rules of Civil Procedure 41(a)(2) allows a plaintiff to dismiss an action, by court order on "terms that the Court considers proper." Fed. R. Civ. P. 41(a)(2). Dismissal under Rule 41(a)(2) is without prejudice unless the Court specifically orders to the contrary. *Id.* Accordingly, the Court finds that Plaintiff's Complaint (ECF No. 1) should be and hereby is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 6th day of May 2019.

/s/ *Robert T. Dawson*

ROBERT T. DAWSON
SENIOR U.S. DISTRICT JUDGE

¹ The motion was docketed as a Notice of Voluntary Dismissal. (ECF No. 78).